

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

MELVIN RIVERA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>APR 15 2008</u>
DATE FILED: <u>APR 15 2008</u>

: INDICTMENT

: 08 Cr.

08CRIM 342

COUNT ONE

The Grand Jury charges:

1. On or about January 29, 2008, in the Southern District of New York and elsewhere, MELVIN RIVERA, the defendant, unknown, unlawfully, intentionally, and knowingly did distribute, and possess with intent to distribute, a controlled substance, to wit, one hundred grams and more of a mixture and substance containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1), (b)(1)(B); Title 18, United States Code Section 2.)

COUNT TWO

2. From approximately in or about 2007, up to and including in or about January 29, 2008, in the Southern District of New York and elsewhere, MELVIN RIVERA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

3. It was a part and object of the conspiracy that MELVIN RIVERA, the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

OVERT ACT

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about January 29, 2008, MELVIN RIVERA, the defendant, possessed approximately 950 grams of heroin in the Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, MELVIN RIVERA, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to

commit and to facilitate the commission of the violation alleged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

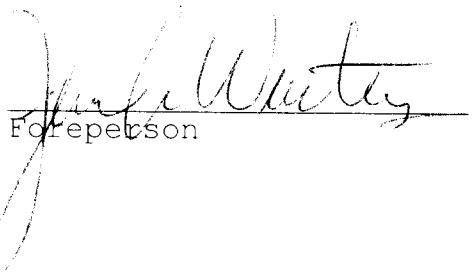
(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


John F. Whitley
Foreperson


Michael J. Garcia

MICHAEL J. GARCIA

United States Attorney

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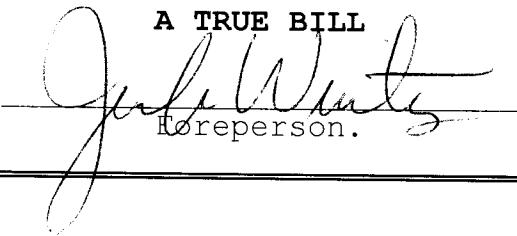
INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841, 846; 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
